



Chairman: David Vaught

Members: Ed Bedore, Ricardo Morales, Larry Ivory, Bill Black

June 5, 2013

Bill Grunloh  
Chief Procurement Officer  
Illinois Department of Transportation  
Executive Ethics Commission  
2300 S. Dirksen Pkwy  
Room 200  
Springfield, Illinois 62764

**Re: 50-35 Potential Conflict of Interest, Contract 66947 from the April 26, 2013 Letting**

Dear Mr. Bill Grunloh,

In accordance with the requirements of Section 50-35 of the Illinois Procurement Code, I have reviewed your request received June 4, 2013 and understand the facts to be as follows:

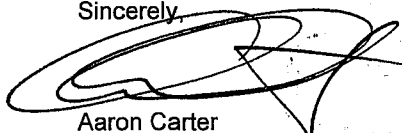
- 1) The Illinois Department of Transportation has issued a request for a review and comment on potential conflicts of interest disclosed by Asphalt Stone Company.
- 2) The contract pertains to the contract for construction related services for LaSalle County.
- 3) Asphalt Stone Company was selected using Competitive Sealed Bid, Prime Contractor-Sub Contractor Agreement.
- 4) The disclosure form submitted on behalf of Asphalt Stone Company indicates the following:
  - a. James C. Davidsmeyer, an individual maintaining an ownership interest of at least 5% in Asphalt Stone Company, has disclosed that his wife, Peggy S. Davidsmeyer, is employed by the Illinois Department of Human Services. She does not earn an income/compensation in excess of 60% of the Governor's salary for this position and did not influence the competitively sealed bidding process.
- 5) The Illinois Department of Transportation confirmed that none of the disclosed individuals were in a position to influence the award of this contract. The Illinois Department of Transportation and CPO Bill Grunloh indicate that it would be in the best interest of the State to approve this conflict of interest due to the using agency's needs and the value of the contract.

Based on the foregoing, you are requesting my review and comment pursuant to the Illinois Procurement Code.

Review and Comment

After careful review of the documentation provided, I do not view the relationships disclosed above as creating a conflict of interest sufficient to preclude the Illinois Department of Transportation from entering into a contract with Asphalt Stone Company for the services outlined in your letter received June 4, 2013.

Sincerely,



Aaron Carter  
Executive Director

Cc: EEC General Counsel



# CHIEF PROCUREMENT OFFICE

Bill Grunloh, Department of Transportation - Highway Construction

June 4, 2013

Procurement Policy Board  
222 South College Street, Suite 231  
Springfield, IL 62704

RE: Conflict of Interest Disclosure Asphalt Stone Company, Sub-Contractor for contract 66947 from the April 26, 2013 letting

Mr. Carter:

Attached is a conflict of interest form for Asphalt Stone Company, a sub-contractor for Advanced Asphalt Company, the lowest responsible bidder who was also responsive for a construction contract advertised on the April 26, 2013 letting by the Department of Transportation. Prime Contract 66947 consists of construction related services in LaSalle County, and includes: 6.42 miles of resurfacing on US 6 from IL 71 (N) to the east limits of Marseilles. Asphalt Stone Company will be installing rumble strips, performing earthwork, and performing HMA removal.

Advanced Asphalt Company was selected via competitively sealed bidding process. A description of the contract and low bid amount is enclosed with this letter and conflict of interest checklist. This contract is in the Department's interests of maintaining safe passageway to ensure the safety of the motoring public.

James C. Davidsmeyer, an individual maintaining an ownership interest of at least 5% in Asphalt Stone Company, has disclosed that his wife, Peggy S. Davidsmeyer, is employed by the Illinois Department of Human Services. She does not earn an income/compensation in excess of 60% of the Governor's salary for this position and did not influence the competitively sealed bidding process.

This conflict has been reviewed our office, and it has been determined this is not an actual conflict and will not interfere in the execution of this contract.

If you have any questions concerning this request, please contact Michael Copp of the Bureau of Construction, at 217-782-3413.

Sincerely,

Gretchen Tucka,  
State Purchasing Officer

Enclosures

STATE OF ILLINOIS  
PROCUREMENT POLICY BOARD  
CONFLICT OF INTEREST REVIEW  
CHECKLIST

Please ensure that the following documents are included with your request:

- ☒ Cover letter with overview of the potential Conflict of Interest
- ☒ Conflict of Interest Review Request Form
- ☒ Copy of Proposed Contract\*
- ☒ Any Prequalification Information Submitted by the Vendor
- ☒ Prior Procurement Policy Board/Office of the Governor Conflict of Interest Review Letter for this Vendor
- ☒ Copy of the Disclosure/Certification Documents Submitted by the Vendor

\*may be the proposed contract sent in with a RFP response, a copy of the solicitation response, etc.

Please scan original documents\*\* with signatures and email to:

aaron.carter@illinois.gov

cc: deanna.rossetto@illinois.gov

If you are unable to scan and email the original signed documents, please send to:

Procurement Policy Board  
222 South College Street, Suite 231  
Springfield, IL 62704

\*\*If you scan and email the original documents, please do not send the original documents to our office. Please keep the documents in your procurement file.

## CONFLICT OF INTEREST REVIEW REQUEST FORM

The following information must be filled in as accurately and completely as possible. This form will be sent to the Procurement Policy Board providing essential information needed to review and determine if an actual conflict of interest exists, which is sufficient to preclude the State from entering into the attached proposed contract pursuant to section 50-35(d) of the Illinois Procurement Code.

### CONTRACTING AGENCY INFORMATION

Using Agency: Department of Transportation  
Address: 2300 S. Dirksen Parkway City/State: Springfield, IL  
Contact Person: Michael D. Copp Title: Prequalification Engineer  
Phone: 217-782-3413 Fax: 217-524-4922  
Email: michael.copp@illinois.gov

### VENDOR INFORMATION FOR VENDOR WITH POTENTIAL CONFLICT

This Vendor is: ☐ Prime Vendor ☒ Sub-contractor  
Name of Vendor: Asphalt Stone Company  
Address: PO Box 1060 City/State: Jacksonville, IL  
Contact Person: Jeff Davidsmeyer Title: President  
Phone: 217-245-6181 Fax: 217-245-0604  
Email: ircts@icgrp.com

Procurement Bulletin Reference Number: Prime Contract # 66947 Date Posted to Bulletin:

### CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: Prime Contract 66947 consists of construction related services in LaSalle County, and includes: 6.42 miles of resurfacing on US 6 from IL 71 (N) to the east limits of Marseilles.

Total Contract Amount (Estimate if actual is unknown): \$ Prime Contract Amount: \$2,104,022.03

Contract Begin Date: Upon authorization to proceed is received. Contract End Date:

Describe any Renewal Options (i.e. One 2-year Option): No

### PROCUREMENT PROCESS

What was the method of procurement used to select this vendor? Contractor-Subcontractor Agreement

If this vendor was selected using a competitive process, how many vendors responded to the bid? NA

Were any vendors disqualified? NA If yes, please explain why.

If a multiple award, how many vendors were awarded a contract? NA

Were there any instances of low vendor rejections? NA If yes, please explain why.

### EXPLANATION OF POTENTIAL CONFLICTS OF INTEREST

For each individual identified as causing a potential conflict of interest, include the following information: name, relationship (if applicable), Agency of State employment, start date, job title and responsibilities. Indicate if any of the named individuals earn more than \$106,447.20 and explain the potential conflict of interest.

James C. Davidsmeyer, an individual maintaining an ownership interest of at least 5% in Asphalt Stone Company, has disclosed that his wife, Peggy S. Davidsmeyer, is employed by the Illinois Department of Human Services. She does not earn an income/compensation in excess of 60% of the Governor's salary for this position and did not influence the competitively sealed bidding process.

If a prime vendor, did they disclose their use of lobbyists? ☐ Yes ☐ No

If yes, did the lobbyists lobby on behalf of the vendor to secure this contract? ☐ Yes ☐ No

PROVIDE A WRITTEN STATEMENT SIGNED BY THE AGENCY REPRESENTATIVE FOR YOUR AGENCY STATING:

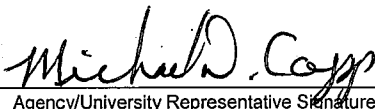
1. Is the conflict an actual conflict and whether or not any of the above named individual(s) were in a position to influence the State's award of this contract.

The conflict disclosed by Mr. Davidsmeyer is potential and not actual. The position held by the aforementioned individual's spouse does not interfere with the competitive sealed bidding process nor did it improperly influence Asphalt Stone being chosen as a subcontractor.

2. Why is it in the best interest of the State to proceed with this contract.

This maintains a State right of way for the safe travel of the motoring public. This is in line with the Department's mission.

AGENCY/UNIVERSITY REPRESENTATIVE SIGNATURE

  
Agency/University Representative Signature

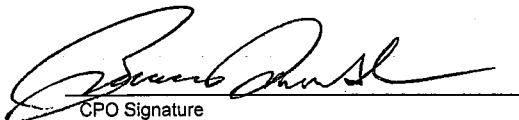
Michael D. Copp  
Agency/University Representative Printed Name

6/4/2013  
Date

217.782.3413  
Agency/University Representative Telephone

michael.copp@illinois.gov  
Agency/University Representative Email Address

CPO SIGNATURE REQUIRED

  
CPO Signature

Bill Grunloh  
CPO Printed Name

6/4/2013  
Date

217.558.5434  
CPO Telephone Number

bill.grunloh@illinois.gov  
CPO Email Address